

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ANDREW PETER GIBBS,

Case No. 6:12-cv-02078-TC

Plaintiff,

ORDER

v.

LANE COMMUNITY COLLEGE,

Defendant.

Aiken, Chief Judge:

Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned case on November 26, 2013, recommending that defendant's motion to dismiss be granted and plaintiff's claims dismissed. The matter is now before me. 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309,

1313 (9th Cir. 1981).

Plaintiff filed an "appeal" of the Findings and Recommendation, but he made no specific objections to any portion of Magistrate Judge Coffin's ruling. Doc. 40. Plaintiff also requested that the case be transferred "from L.C.C. to the U.S. government." Doc. 40. However, the case has been filed in United State District Court, and the court cannot "transfer" or refer a case to the United States Attorney's office. Moreover, upon de novo review, I find no error with Magistrate Judge Coffin's analysis. Plaintiff failed to administratively exhaust his claims or file a tort claim notice which would permit him to file suit against defendant. Therefore, plaintiff fails to state a claim upon which relief may be granted.

Accordingly, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 41) filed November 26, 2013 is ADOPTED. Plaintiff's Motion requesting transfer or amendment of the amount sought (doc. 40) is DENIED. Defendant's Amended Motion to Dismiss (doc. 27) is GRANTED and this case is DISMISSED. The Clerk is directed to enter Judgment accordingly.

IT IS SO ORDERED.

Dated this 18 day of December, 2013.



Ann Aiken
United States District Judge